

FILED

03 JAN 28 AM 10:57

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 Ken Clerk(Warden)
11 Edmand G,Brown Jr. Plaintiff,
(Attorney General)
12 vs.
13
14 Dewane Kent Durr Defendant

CASE NO.

**PRISONER'S
APPLICATION TO PROCEED ~~WHEN~~ WHA
IN FORMA PAUPERIS**

16 I, Dewane Kent Durr, declare, under penalty of perjury that I am the
17 plaintiff in the above entitled case and that the information I offer throughout this application
18 is true and correct. I offer this application in support of my request to proceed without being
19 required to prepay the full amount of fees, costs or give security. I state that because of my
20 poverty I am unable to pay the costs of this action or give security, and that I believe that I am
21 entitled to relief.

22 In support of this application, I provide the following information:

23 1. Are you presently employed? Yes No X

24 If your answer is "yes," state both your gross and net salary or wages per month, and give the
25 name and address of your employer:

26 Gross: _____ Net: _____

27 Employer: _____

28 | Page

If the answer is "no," state the date of last employment and the amount of the gross and net salary and wages per month which you received. (If you are imprisoned, specify the last place of employment prior to imprisonment.)

4 Unemployed was receiving general relief

7 2. Have you received, within the past twelve (12) months, any money from any of the
8 following sources:

9 a. Business, Profession or Yes No
10 self employment

13 c. Rent payments? Yes No X

14 d. Pensions, annuities, or Yes No
15 life insurance payments?

16 e. Federal or State welfare payments, Yes No X
17 Social Security or other govern-

18 ||| ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
20 received from each.

21

22

23 3. Are you married? Yes No

24 Spouse's Full Name: Desiree terrell Toney

25 Spouse's Place of Employment: Unknown

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ Unknown Net \$ Unknown

28 4. a. List amount you contribute to your spouse's support: \$ None

5 None
6

7 | 5. Do you own or are you buying a home? Yes No **X**

8 | Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

9 | 6. Do you own an automobile? Yes No

10 | Make _____ Year _____ Model _____

11 Is it financed? Yes No If so, Total due: \$ _____

12 Monthly Payment: \$ _____

13 7. Do you have a bank account? Yes No ^X (Do not include account numbers.)

14 Name(s) and address(es) of bank: _____

15 _____

16 Present balance(s): \$ _____

17 Do you own any cash? Yes No X Amount: \$ _____

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
19 market value.) Yes No **X**

20 _____

21 8. What are your monthly expenses?

22 | Rent: \$ No Utilities: No

23 Food: \$ No Clothing: No

24 | Charge Accounts:

25 Name of Account Monthly Payment Total Owed on This Acct.

26 N/A \$ N/A \$ N/A

27 N/A \$ N/A \$ N/A

28 N/A \$ N/A \$ N/A 9. Do

1 you have any other debts? (List current obligations, indicating amounts and to whom they are
2 payable. Do not include account numbers.)

3 No

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9 N/A

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15 1-16-08

Deborah Aver

17 DATE

SIGNATURE OF APPLICANT

18
19
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PROOF OF SERVICE

I, Dewane Kent Durr, CERTIFY AND DECLARE THAT I AM OVER THE AGE OF (18) YEARS, A PARTY TO THE WITHIN ACTION AND A CITIZEN AND OR RESIDENT OF THE UNITED STATES.

I SERVED THE FOLLOWING DOCUMENT(S), Prisoner's Application to Proceed in forma Pauperis UPON THE PARTIES LISTED BELOW BY PLACING SEALED ENVELOPES IN THE UNITED STATES MAIL HERE AT F-2-B 136 4P P.O. Box 5244 Corcoran CALIFORNIA AS FOLLOWS:

Clerk of the United States District Court for the Northern District of California
450 Golden Gate AV.
Box 36040
San Francisco Ca. 94102

I, Dewane Kent Durr, SWEAR UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AND DATED THIS 1 DAY OF 16, 2008

Dewane Durr
DECLARANT

1
2 Case Number: _____
3
4
5
6
7
8

9 **CERTIFICATE OF FUNDS**
10
11

12
13 **IN**
14

15 **PRISONER'S ACCOUNT**
16
17

18 I certify that attached hereto is a true and correct copy of the prisoner's trust account
19 statement showing transactions of Dewane Kent Durr for the last six months
20 at

21 [prisoner name]

22 Corcoran Satf where (s)he is confined.

23 [name of institution]

24 I further certify that the average deposits each month to this prisoner's account for the
25 most recent 6-month period were \$ 0 and the average balance in the prisoner's
26 account each month for the most recent 6-month period was 0.
27
28

Dated: 1/16/08

T. Colwell AOS

29 [Authorized officer of the institution]

CALIFORNIA DEPARTMENT OF CORRECTIONS
SATF/SP AT CORCORAN
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUN. 01, 2007 THRU JAN. 11, 2008

TRUST ACCOUNT ACTIVITY

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
12/26/2007	H118	LEGAL COPIES HOLD	3395/12-07	2.80

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	2.80	0.00

CURRENT
AVAILABLE
BALANCE

2.80

THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST:
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY J. G. (well)
TRUST OFFICE

Dewane Kent Durr # 112781
F-2-B136 UP
P.O. Box 5244
Corcoran, California 93212

RECEIVED

JAN 26 2008

RICHARD W. WILSON
CLERK OF THE COURT
NORTHERN DISTRICT OF CALIFORNIA

ATT. CLERK OF NORTHERN
DISTRICT COURT OF CALIFORNIA
450 GOLDEN GATE AV.
P.O. BOX 36660
SAN FRANCISCO, CA 94102



LEGAL MATERIALS

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